

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

James Lintner, et al.

v.

Civil No. 12-cv-00462-JL

Bank of New York Mellon, et al.

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on **January 29, 2013.**

The Discovery Plan (document no. 15) is approved as submitted, with the following changes:

- Close of discovery - **October 15, 2013**
- Expert discovery

Plaintiff's expert disclosure - **August 1, 2013**

Defendant's expert disclosure - **September 1, 2013**

Supplement to expert reports - **October 1, 2013**

- Summary judgment deadline - **October 15, 2013**
- Jury trial - **March, 2014**

Based on the discussions between the court and counsel at the conference, the following are **stricken** without prejudice to being reinstated on request if warranted by the evidence:

- the following affirmative defenses:

Bank of New York Mellon - Third, Fourth, Seventh and Eighth

Saxon - Fourth

Defendant Bank of New York Mellon will amend ¶¶ 4, 7, 11, 12, 15, 16, 17, 19, and 20 of its Answer to clearly indicate its position with respect to the corresponding allegation(s) of the complaint.

Defendant Saxon will amend ¶¶ 7, 11, 12, 15, 19, and 20.

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Oral argument on dispositive motions. Counsel and the parties should anticipate that oral argument will be held on all dispositive motions. Any party preferring that such a motion be decided on the written filings alone should so notify the clerk.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the

court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Joe Laplante", written over a horizontal line.

Joseph N. Laplante
United States District Judge

Dated: January 29, 2013

cc: David H. Bownes, Esq.
Joshua D. Shakun, Esq.
John A. Houlihan, Esq.
Alexander G. Henlin, Esq.